

## REMARKS/ARGUMENTS

Claims 1-51 are pending in the present application and remain in this application for prosecution. Claims 1-4, 6-11, 15-18, 20-24, 29, 33, 38-41, and 43-48 have been amended. Claim 51 has been added.

### **Personal Interview**

The Applicants note with appreciation the personal interview of January 31, 2008, with Examiner Jasson H. Yoo and Examiner John Hotaling. Proposed amendments and arguments were discussed during the interview. Specifically, the claim element “universal personal identifier . . . whose primary purpose is not directed to identifying the patron at a game venue” was discussed.

During the interview, the “universal” aspect of the claims was explained in more detail. In particular, a hypothetical was discussed in which a player may play in 8-10 different casinos and, consequently, is required to have 8-10 different player tracking cards (one player tracking card for each casino). In contrast to this hypothetical situation, one advantage of the invention claimed by the current claims is that it avoids the need for the player to carry 8-10 player tracking cards as the player travels to various casinos. According to the current application, the player would be able to use a single -- already acquired -- object (*i.e.*, “a universal personal identifier object”), such as a credit card.

The claims have been amended in accordance with the proposed claim amendments and the discussions with the Examiners. In particular, the claims have been amended to make it clear that the identification with the UPI object occurs at the gaming machine with the UPI device. Some additional amendments were made to more clearly present the claimed invention.

**§ 112 Rejections**

*Claims 1, 15, 29, and 38*

Claims 1, 15, 29, and 38, along with all the claims dependent therefrom, have been rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the rejection alleges that the claim element “a primary purpose is not directed to identifying the patron at a game venue” is not supported by the specification.

Initially, it should be noted that the Office Action has identified claim “28” as one of the rejected claims. The Applicants assume that this was an inadvertent typographical error and that the correct claim should have been identified as claim “38.” Accordingly, the Applicants will refer to claim “38” – not claim 28.

As discussed during the interview, the specification provides ample support for the rejected claim element. For example, the specification describes a number of examples, such as using a credit card or a driver’s license, which have a primary purpose that is not directed to identifying the patron to a particular gaming machine (*e.g.*, the driver’s license has a primary purpose directed to driving privileges). Furthermore, the specification also describes that “the patron can be readily identified without having previously registered using the more formal registration procedure.” Specification, ¶ 0020.

Additionally, each of the rejected claims has been amended. The Applicants believe that these amendments help in overcoming the rejection. Thus, the Applicants respectfully submit that claims 1, 15, 29, and 38, along with all the claims dependent therefrom, are in compliance with the written description requirement.

Claims 7, 20, 43

Claims 7, 20, and 43 have been rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement. Specifically, the rejection alleges that the claim element “easily remembered by the patron” has not been described in the specification in such a way to enable one skilled in the art to make and/or use the invention.

Although the Applicants disagree with the rejection, the claim element “easily remembered by the patron” has been deleted from claims 7, 20, 43. Thus, the Applicants respectfully submit that claims 7, 20, and 43 are in compliance with the enablement requirement.

Claims 1-14

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the rejection alleges that in claim 1 there “is insufficient antecedent basis for” the claim element “universal personal identifier device,” as the claim also includes a “universal personal identifier a form of a tangible object.”

Claim 1 has been amended to more clearly identify the “universal personal identifier object (UPI object)” (*e.g.*, a credit card) and the “universal personal identifier device (UPI device)” (*e.g.*, a card reader). The claim amendments should more clearly distinguish between the UPI object and the UPI device.

Thus, the Applicants respectfully submit that claim 1, along with dependent claims 2-14, are definite.

**§ 103 Rejections**

Claims 1-9, 11-23, 25-46, 48, and 50 have been rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over U.S. Patent No. 6,908,387 to Hedrick *et al.* (“Hedrick”) in view of U.S. Patent Application Publication No. 2003/0045354 to Giobbi (“Giobbi”). Claims 10, 24, and 47 have been rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Hedrick in view of Giobbi as applied to claims 1, 15, 38 above, and further in view of U.K. Patent Application No. 2 363 950 to Kermode.

The cited references fail to disclose at least one claim element. For example, Hedrick discloses, at most, a typical player tracking unit 107 that has nothing to do with the “universal” concept of the pending claims. Similarly, for example, Giobbi discloses a “portable data unit 14” that may be acquired “on site from a gaming establishment.”

None of the cited references discloses a UPI object “in a form of a tangible object whose primary purpose is not directed to identifying the patron at a particular gaming machine” as claimed in independent claims 1, 15, and 38, or a “a Bluetooth™ portable device having a primary purpose that is different than for identifying the patron at a particular gaming machine in a server-based gaming network” as claimed in independent claim 29.

Thus, the Applicants respectfully submit that claims 1, 15, 29, and 38, along with all the claims dependent therefrom, are allowable over the art of record at least for the above stated applicable reasons.

**Conclusion**


It is the Applicants' belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A check of \$1,320 is included to cover the RCE fee, the two-month extension of time fee, and the fee for an extra claim. It is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000248USPT.

Respectfully submitted,

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